



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 21, 2025

A handwritten signature in black ink, appearing to read "Joy Evers", written over a horizontal line.

United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

DENNIS JAMES ROGERS II,

Debtor.

(Chapter 7)

Case No. 22-30500-SWE

AREYA HOLDER AURZADA, CHAPTER
7 TRUSTEE FOR THE BANKRUPTCY
ESTATE OF DENNIS JAMES ROGERS II

Plaintiff,

v.

FUNDERZ.NET, LLC

Defendant.

Adv. Pro. No. 24-03028-SWE

ORDER GRANTING MOTION TO DISMISS

This matter having been opened to the Court by way of the motion of defendant Funderz.net, LLC, for an Order dismissing the Amended Complaint (the "Motion to Dismiss") pursuant to Fed. R. Civ. P. 12(b)(6), applicable pursuant to Fed. R. Bankr. P. 7012, and the Court

having considered the submissions of the parties, and having heard the argument of counsel, and for other good cause shown, and for the reasons set forth on the record at the hearing on January 21, 2025 it is

ORDERED that the Motion to Dismiss is hereby **GRANTED IN PART AND DENIED IN PART**; and it is

FURTHER ORDERED that Counts A and C are dismissed without prejudice as follows:

The Trustee may replead the element of a “transfer of the property of the debtor” as to any transfers identified in the Amended Complaint as coming from an unidentified source, or from a bank account held in the name of any person other than the debtor; and

The Trustee may replead the element of “actual intent” as shown by an actual admission of intent to hinder, delay or defraud any creditor of the debtor or as shown by badges of fraud.

FURTHER ORDERED that the issue of whether the alleged facts give rise to the “Ponzi presumption” of actual fraudulent intent is deferred to trial.

FURTHER ORDERED that Counts B and D are dismissed with prejudice; and it is

FURTHER ORDERED that the Motion to Dismiss is denied as to Counts E and F; and it is

FURTHER ORDERED that Count G is deferred to trial.

END OF ORDER

APPROVED AS TO FORM:

Dated: February 10, 2025

SAUL EWING LLP

/s/ Micheal W. Bishop

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Special Counsel for the Trustee

AREYA HOLDER AURZADA, CHAPTER 7 TRUSTEE,
Plaintiff
FUNDERZ.NET, LLC,
Defendant

Adv. Proc. No. 24-03028-swe

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

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Date Rcvd: Feb 21, 2025

Form ID: pdf001

Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 23, 2025:

Recip ID	Recipient Name and Address
aty	+ Carmen Contreral-Martinez, Saul Ewing LLP, 701 Brickell Avenue, Suite 1700, Miami, FL 33131-2832

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Feb 21 2025 20:38:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustpreion07.au.ecf@usdoj.gov	Feb 21 2025 20:38:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450
ust	+ Email/Text: USTPRegion07.SN.ECF@usdoj.gov	Feb 21 2025 20:38:00	United States Trustee - SA12, US Trustee's Office, 615 E Houston, Suite 533, San Antonio, TX 78205-2055

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 23, 2025

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 21, 2025 at the address(es) listed below:

Name	Email Address
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District/off: 0539-3

User: admin

Page 2 of 2

Date Rcvd: Feb 21, 2025

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David Brian Miller

on behalf of Plaintiff AREYA HOLDER AURZADA CHAPTER 7 TRUSTEE FOR THE BANKRUPTCY ESTATE OF
DENNIS JAMES ROGERS II david@schneidlaw.com, kedrin@schneidlaw.com

Micheal Wayne Bishop

on behalf of Defendant FUNDERZ.NET LLC mbishop@grayreed.com

Timothy Micah Dortch

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Turner Falk

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TOTAL: 4